



CPA 2025-00012
APPLICATION FOR A COMPREHENSIVE
PLAN AMENDMENT - TEXT

Project Name: Amenity Improvement Amendment

Project Description: Amend Goal 13 and associated Objectives and Policies to allow for golf courses and ancillary uses in the Mixed Use
Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

State Review Process: [] State Coordinated Review [x] Expedited State Review [] Small-Scale Text*

*Must be directly related to the implementation of small-scale map amendment as required by Florida Statutes.

APPLICANT - PLEASE NOTE:

A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO THE SUBMITTAL OF THIS APPLICATION.

Submit 3 copies of the complete application and amendment support documentation, including maps, to the Lee County Department of Community Development.

Once staff has determined that the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)583-8585.



COMMUNITY DEVELOPMENT

1. Name of Applicant: CAM7 SUB, LLC
Address: 21101 Design Parc Lane, Suite 103
City, State, Zip: Estero, FL 33928
Phone Number: 239-425-8662 E-mail: rblacksmith@camerattacompanies.com

2. Name of Contact: RVi Planning + Landscape Architecture, ATTN: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway, Suite 101
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527 E-mail: shewitt@rviplanning.com

3. Property Information: Provide an analysis of any property within Unincorporated Lee County that may be impacted by the proposed text amendment. Please see Exhibit T5

4a. Does the proposed change affect any of the following areas? Please see Exhibit T6

If located in one of the following areas, provide an analysis of the change to the affected area.

- Public Acquisition [Map 1-D]
Agricultural Overlay [Map 1-G]
Airport Mitigation Lands [Map 1-D]
Airport Noise Zones [Map 1-E]
Southeast Lee County Residential Overlay [Map 2-D]
Mixed Use Overlay [Map 1-C]
Community Planning Areas [Map 2-A]
Urban Reserve [Map 1-D]
Water-Dependent Overlay [Map 1-H]
Private Recreational Facilities Overlay [Map 1-F]

4b. Planning Communities/Community Plan Area Requirements

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- N/A Bayshore [Goal 18] Boca Grande [Goal 19] Buckingham [Goal 20]
- Caloosahatchee Shores [Goal 21] Olga [Goal 22] Captiva [Goal 23] Greater Pine Island [Goal 24]
- Lehigh Acres [Goal 25] North Captiva [Goal 26] NE Lee County [Goal 27] Alva [Goal 28]
- North Olga [Goal 29] North Fort Myers [Goal 30] Page Park [Goal 31] San Carlos Island [Goal 32]
- Southeast Lee County [Goal 33] Tice [Goal 34]

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario.

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon).
2. **Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Environmental Impacts

Provide an overall analysis of potential environmental impacts (positive and negative).

Historic Resources Impacts

Provide an overall analysis of potential historic impacts (positive and negative).

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

Support all conclusions made in this justification with adequate data and analysis.

SUBMITTAL REQUIREMENTS

Clearly label all submittal documents with the exhibit name indicated below.

MINIMUM SUBMITTAL ITEMS

<input checked="" type="checkbox"/> Completed application (Exhibit – T1)
<input checked="" type="checkbox"/> Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/> Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/> Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/> Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/> Lee Plan Analysis (Exhibit – T6)
<input checked="" type="checkbox"/> Environmental Impacts Analysis (Exhibit – T7)
<input checked="" type="checkbox"/> Historic Resources Impacts Analysis (Exhibit – T8)
<input checked="" type="checkbox"/> State Policy Plan Analysis (Exhibit – T9)
<input checked="" type="checkbox"/> Strategic Regional Policy Plan Analysis (Exhibit – T10)

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Raymond Blacksmith (name), as Manager (owner/title) of CAM7-SUB, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

[Handwritten Signature]
Signature

6 NOVEMBER 25
Date

*******NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 6 day of November, 2025, by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

[Handwritten Signature: Cheryl A. Smith]
Signature of Notary Public



**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Raymond Blacksmith, as Manager of CAM7-SUB, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at See attached list of STRAPs and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.


[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> 

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

[Handwritten signature]

Property Owner

Raymond Blacksmith, as Manager of CAM7-SUB, LLC
Print Name

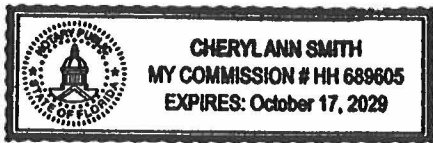
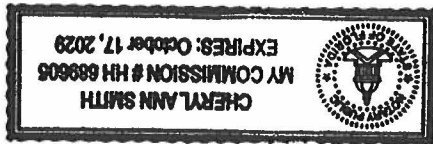
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, on November 6, 2025 (date) by Raymond Blacksmith (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

[Handwritten signature: Cheryl A. Smith]
Signature of Notary Public



KINGSTON
ADMINISTRATIVE AMENDMENT
STRAP EXHIBIT

35-45-27-00-00001.1090	03-46-27-00-00001.1070
35-45-27-00-00001.0P30	03-46-27-00-00001.141B
15-46-27-00-00001.1820	02-46-27-00-00001.1170
10-46-27-00-00001.1620	02-46-27-00-00001.1310
10-46-27-00-00001.1660	03-46-27-00-00001.0000
10-46-27-00-00001.1650	02-46-27-00-00001.1300
15-46-27-00-00001.1680	03-46-27-00-00001.1430
10-46-27-00-00001.1630	02-46-27-00-00001.0R20
15-46-27-00-00001.0P20	02-46-27-00-00001.1230
15-46-27-00-00001.1720	15-46-27-00-00001.1780
15-46-27-00-00001.1740	03-46-27-00-00001.1370
14-46-27-00-00001.1670	11-46-27-00-00001.1520
35-45-27-00-00001.0000	10-46-27-00-00001.1490
35-45-27-00-00001.1010	10-46-27-00-00001.162A
03-46-27-00-00001.1040	14-46-27-00-00001.0000
35-45-27-00-00001.1030	14-46-27-00-00001.1660
36-46-27-00-00001.0010	14-46-27-00-00001.0010
35-45-27-00-00001.0P10	15-46-27-00-00001.1700
02-46-27-00-00001.0R10	11-46-27-00-00001.1580
02-46-27-00-00001.1160	11-46-27-00-00001.1570
02-46-27-00-00001.1100	02-46-27-00-00001.1130
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02-46-27-00-00001.1200	03-46-27-00-00001.1060
15-46-27-00-00001.1660	02-46-27-00-00001.1360
11-46-27-00-00001.1610	02-46-27-00-00001.1280
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02-46-27-00-00001.1150	02-46-27-00-00001.1480
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15-46-27-00-00001.0P10	10-46-27-00-00001.1550
10-46-27-00-00001.1610	34-46-27-00-00002.0020
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02-46-27-00-00001.1440	35-46-27-00-00001.0000
02-46-27-00-00001.1270	02-46-27-00-00001.1250
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02-46-27-00-00001.1340	02-46-27-00-00001.1240
03-46-27-00-00001.138E	02-46-27-00-00001.1330
02-46-27-00-00001.1260	34-46-27-00-00002.001A
03-46-27-00-00001.1380	34-46-27-00-00002.0030
02-46-27-00-00001.1210	35-46-27-00-00001.0030
03-46-27-00-00001.1080	

JUSTIFIED OF PROPOSED AMENDMENT - PLEASE SEE ATTACHED "LEE PLAN ANALYSIS"



Amenity Improvement Amendment

Lee Plan Analysis

Exhibit T6

INTRODUCTION

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The requested text amendments only impact the established development pod areas within the MPD by allowing the option to include golf courses and ancillary uses as part of the internal amenities within the previously established development areas. The MPD is located south of SR 82, approximately 1 mile west of the Hendry County line and extends to 2 miles south of Corkscrew Road. The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. The established development pods consist of 3,275± acres. The remaining 114± acres consist of road rights-of-way.

BACKGROUND

On November 22, 1999, Lee County adopted Ordinance 99-16 which amended the Lee Plan and created Goals, Objectives and Policies (GOP) to establish criteria for development of Private Recreation Facilities within the Density Reduction/Groundwater Resources (DR/GR) future land use category (FLUC). Recreation Facilities: Private was added to the glossary and the Private Recreation Facilities Overlay Map was adopted which identified locations appropriate for development of Private Recreation Facilities. The current definition from the Lee Plan Glossary is provided below and includes ancillary uses and golf courses.

RECREATION FACILITIES: PRIVATE – Includes nature trails, tent camping areas, boardwalks, play areas (as defined in "Park Planning Guidelines, 3rd Edition"), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses (private or public use). The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities.

On August 5, 2015, Lee County adopted Ordinance 15-13 which amended the Lee Plan and added Policy 33.3.4 establishing the Environmental Enhancement and Preservation Communities Overlay (EPCO). This overlay established strict review criteria and provided an incentive to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species so that additional densities and accessory commercial uses will be granted if the project is found consistent with and demonstrates through a Planned Development the significant environmental and hydrological requirements.

The MPD associated with the proposed text amendment was found to be consistent with the intent of the EPCO by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The EPCO established a guide within the Lee Plan for

development within Southeast Lee County Community Planning Area. It was found that the MPD will provide significant environmental enhancements including restoration of upland and wetland areas, conversion of farm fields to native conservation area, and restoration and enhancement of historic flow ways. The development areas within the MPD have been established and deemed appropriate for development and any golf courses or ancillary uses will be located within these areas resulting in no further impacts.

The text amendment allows for additional amenity options within the MPD which utilizes the planning principle of clustered development. Clustered development is a development arrangement that stresses people living in harmony with nature and locates buildings in concentrated portions of a site, leaving the remainder of the site undeveloped. Typically, this form of development is utilized to protect such things as open space, environmentally sensitive areas and natural resources. The MPD utilizes the planning principle of conservation design or designing with nature. The process of selecting the appropriate preservation and development scenario for the property utilized an analysis of the property's attributes such as property location and location of adjacent uses, soils, topography, previous uses and associated impacts and natural resources. The MPD provides a minimum 61 percent open space and minimum 50 percent restoration.

POPULATION PROJECTIONS

The proposed text amendments will not result in any increased density so it will not affect established Lee County population projections. No changes are necessary to Lee Plan Table 1(b) or the total population capacity of the Lee Plan Future Land Use Map as a result of the proposal.

LEE PLAN CONSISTENCY

The proposed text amendments allow the option for golf course and ancillary uses within the MPD which lies within the Density Reduction Groundwater Resources (DR/GR) and Wetlands future land use categories (FLUC) and the Southeast Lee County Community Planning Area.

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.

- 1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.***

2. *Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights.*
3. *Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.*

The proposed text amendments are consistent with Policy 1.4.5. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. Private recreation facilities are a permitted land use. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.*

The proposed text amendments are consistent with Policy 1.5.1. Proposed Policy 13.6.5 provides that the MPD was found to protect the public interest and that golf courses and ancillary uses within the MPD will be subject to the conditions of approval including the Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan. There are no changes to the existing approved density which was found consistent with the Lee Plan and the EPCO.

POLICY 1.6.7: *The Agricultural Overlay (Map 1-G) shows existing active and passive agricultural operations in excess of 100 acres located outside of the future urban areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the County should not attempt to alter or*

curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents.

A majority of the property is included on Map 1-G – Agricultural Overlay. This map is non-regulatory in nature. The proposed text amendments will not affect this map and no revision is necessary. Given the settlement agreement, the property is not going to be long term agricultural so the incentives to retain agricultural would not be applicable.

POLICY 1.6.10: *The Southeast Lee County Residential Overlay (Map 2-D) is described in Objective 33.2. This Overlay affects only Southeast Lee County and identifies five types of land: ...*

3. *“Mixed-Use Communities:” Locations where this concentration of development rights from large contiguous tracts within the DR/GR area that can be supplemented by transfer of development rights from non-contiguous tracts in the Southeast DR/GR area. See Objective 33.3 and following policies. ...*

The northern portion of the MPD abutting SR 82 is identified as a Mixed-Use Community on Map 2-D. The proposed text amendments will not affect this map and no revision is necessary.

The proposed text amendments are shown in underline text in the following Objectives and Policies.

GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. *To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density.*

OBJECTIVE 13.1: *To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category.*

POLICY 13.1.2: *Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*

POLICY 13.1.3: *Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.*

The proposed text amendments provide the framework to establish that the MPD has already been reviewed and approved. The MPD has been found consistent with the intent of the DR/GR and the

Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards which provide significant environmental and hydrological improvements by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. The development pods have been established within the MPD, and any potential golf courses or ancillary uses will be located within these internal areas ensuring that they are in the most appropriate locations. The proposed text amendments are consistent with Goal 13 and Objective 13.1.

OBJECTIVE 13.2: GROWTH MANAGEMENT. *Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies.*

POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD). *All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.*

The proposed text amendments provide clarification that the MPD is subject to the Settlement Agreement and will not be required to rezone to PRFPD to facilitate golf courses and ancillary uses. The proposed text amendments are consistent with Objective 13.2.

POLICY 13.2.8: *Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources.*

The proposed text amendments are consistent with Policy 13.2.8. The MPD already permits unlimited square footage of amenities internal to the project for use by its residents. The MPD conditions provide commitments to address project impacts. Since the golf courses and ancillary uses are internal amenities located within established development areas for use by the residents of the planned development, these amenities do not result in additional project impacts and are adequately addressed by existing conditions and commitments.

Condition 23 of the MPD requires letters of availability for fire protection. Condition 11 provides that the cost of signalization including design and construction of the Spine Road intersections with Corkscrew Road, SR 82, and/or a development pod shall be borne by the developer or assigns. MPD Condition 12 provides that the development must mitigate the traffic impacts and pay a proportionate share of \$2,000 per residential dwelling unit to mitigate the traffic impacts of the project which adequately addresses potential golf course and ancillary uses. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and

Exhibit P ensure that potable water is provided to the MPD. The MPD was found to protect the public interest, and the Settlement Agreement was found compatible with the surrounding uses. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses and natural resources.

POLICY 13.2.10: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities.

POLICY 13.2.11: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on and must be compatible with any adjacent publicly owned lands.

The proposed text amendments are consistent with Policies 13.2.10 and 13.2.11. The MPD was reviewed and evaluated and found to protect the public interest, and the Development Agreement was found compatible with the surrounding uses including existing agricultural, mining, conservation activities, and publicly owned lands. The development pods are clustered internal to the project with large setbacks which further demonstrate no adverse effects on surrounding land uses.

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities.

POLICY 13.3.10: General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

The proposed text amendments are consistent with Objective 13.3 and Policy 13.3.10. The MPD has been reviewed and evaluated and conditioned to ensure it meets the intent of the DR/GR and provides protection of water quality, quantity, natural resources and compatibility. The MPD has established development controls that regulate the permitted uses, property development regulations, intensity and density, and the clustered design.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES. Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources.

POLICY 13.4.9: *The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the and Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.*

Proposed Policy 13.4.9 provides clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.4.

OBJECTIVE 13.5: WILDLIFE. *The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species.*

POLICY 13.5.4: *The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.*

Proposed Policy 13.5.4 provides clarification that the MPD has been reviewed and conditioned to incorporate preservation and management activities that restrict unnecessary loss of wildlife or impact on protected species, species of special concern or threatened or endangered species and that it was found to protect the public interest. MPD Condition 4 and Exhibit J provide a Protected Species Management and Human-Wildlife Coexistence Plan including signage, wildlife fencing. Golf courses and ancillary uses would continue to comply with these conditions. The proposed text amendments provide for consistency with Objective 13.5.

OBJECTIVE 13.6: NATURAL RESOURCES. *Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands.*

POLICY 13.6.5: *The protection of natural resources within the Mixed Use Planned*

Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

Proposed Policy 13.6.5 provides clarification that the MPD has been reviewed and conditioned to minimize environmental impacts and protect, enhance and manage natural resources such as flow-ways, wetlands and indigenous uplands and was found to protect the public interest. MPD Condition 8 and Exhibit L provide for the Indigenous Preservation, Restoration, and Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east. The proposed text amendments provide for consistency with Objective 13.6.

OBJECTIVE 13.7: MONITORING AND ENFORCEMENT. *In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer.*

POLICY 13.7.4: The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

Proposed Policy 13.7.4 provides clarification that the MPD has been reviewed and conditioned to protect water quality, water quantity, vegetation and wildlife and was found to protect the public interest. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. The proposed text amendments provide for consistency with Objective 13.7.

POLICY 13.8.13: Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.

Proposed Policy 13.8.13 provides clarification that the MPD is subject to its conditions of approval which were found to protect the public interest and is exempts the MPD from the performance standards of Objective 13.8 and its implementing policies which are not applicable to the MPD since conditions of approval and development standards have been established.

OBJECTIVE 17.2: COMMUNITY PLAN AREAS. *To depict the boundaries of community plan areas on the Future Land Use Map (Map 2-A).*

The proposed text amendments will not affect Map 2-A. The MPD is within the Southeast Lee County Community Planning Area. No amendments to this map are required.

POLICY 33.1.2: *The DR/GR Priority Restoration Strategy consists of seven tiers of land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Map 1-D). Within these tiers, density incentives will be utilized as a mechanism to improve, preserve, and restore regional surface and groundwater resources and wildlife habitat of state and federally listed species; with Tier 1 and Tier 2 being the most incentivized tiers. Lee County may consider amendments to this Overlay based on changes in public ownership, land use, new scientific data, and/or demands on natural resources. This Overlay does not restrict the use of the land.*

POLICY 33.1.3: *Pursue acquisition (partial or full interest) of land within the Tier 1 areas in the Priority Restoration Strategy Overlay through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; or other appropriate means to provide critical connections to conservation lands that serve as the backbone Future Land Use II-103 April 2024 for water resource management and wildlife movement within Southeast Lee County. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use. Tier 3 lands and the southern two miles of Tiers 5, 6, and 7 can provide an important wildlife connection to conservation lands in Collier County and an anticipated regional habitat link to the Okaloacoochee Slough State Forest. Tiers 1, 2, 3, and the southern two miles of Tiers 5, 6, and 7 may qualify for unique development incentives outlined in Objectives 33.2 and 33.3 due to the property's potential for natural resource benefits and/or wildlife connections. Additionally, the County may consider incentives, within all tiers, for private landowners to improve water resources and natural ecosystems.*

The proposed text amendments will not affect Map 1-D as it does not restrict the use of the land. No revision to Map 1-D is necessary. Most of the MPD property is located within the DR/GR Priority Restoration Strategy with portions in Tier 3, and the southern two miles of Tiers 5 and 6. As outlined in Policy 33.1.3, these areas are specifically identified as areas that may qualify for unique development incentives in Objective 33.2, which includes EEPCO, due to the potential for natural resource benefits and/or wildlife connections. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential

to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods and will continue to provide these benefits.

POLICY 33.1.7: Impacts of proposed land disturbances on surface and groundwater resources will be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within Southeast Lee County. Lee County Division of Natural Resources will determine if the appropriate model or models are being utilized, and assess the design and outputs of the modeling to ensure protection of Lee County's natural resources.

The proposed text amendments are consistent with Policy 33.1.7. The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and Preservation Communities overlay (EEPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

ADJACENT LOCAL GOVERNMENTS

The proposed text amendments will have no effect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is Collier County to the east.

CONCLUSIONS

The proposed text amendments are consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.



Amenity Improvement Amendment **Planning Communities/Community Plan Area Requirements**

The subject property is located within the Southeast Lee County Community Planning Area. Consistent with Policy 17.3.2 through 17.3.4, a publicly advertised public information meeting has been scheduled within the Southeast Lee County Community Plan Area. The required summary of the public information meeting will be provided with the first resubmittal package.



Amenity Improvement Amendment Pre-Application Meeting Exhibit T3

The following pre-application meetings were held with Lee County Staff to discuss the proposed Text Amendments.

1. October 15, 2025, 9:00 a.m. – 10:00 a.m.

Hybrid meeting with mix of in-person (at Lee County Public Works Conference Room 2A) and virtual via Teams

Applicant Attendees:

Tony Cameratta
Nick Cameratta
Ray Blacksmith
Neale Montgomery
Alexis Crespo
Brandon Frey
David Brown
Shane Johnson

Lee County Staff Attendees:

Rebecca Sweigert
Anthony Rodriguez
Brandon Dunn
Katherine Burgess
Michael Jacob

2. October 31, 2025, 1:30 p.m. – 2:30 p.m.

In-person meeting at Lee County Public Works Conference Room 2A

Applicant Attendees:

Alexis Crespo
Stacy Ellis Hewitt

Lee County Staff Attendees:

Brandon Dunn
Katherine Burgess



Amenity Improvement Amendment

Proposed Text Changes

Exhibit T4

Proposed Lee Plan Text Amendments for Private Recreational Facilities in DR/GR

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. **Proposed revisions shown in red strikethrough/underline.**

POLICY 1.4.5: The Density Reduction/Groundwater Resource (DR/GR) future land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers.

1. New land uses in these areas that require rezoning or a development order must demonstrate compatibility with maintaining surface and groundwater levels at their historic levels utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to properties located upstream, downstream, as well as adjacent to the site. Offsite mitigation may be utilized, and may be required, to demonstrate this compatibility. Evidence as to historic levels must be submitted as part of the rezoning application and updated, if necessary, as part of the mining development order application.

2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum standard density of one dwelling unit per ten acres (1 du/10 acres). See Objectives 33.2 and 33.3 for potential density adjustments resulting from concentration or transfer of development rights. Commercial uses may only be permitted on properties in Southeast Lee County in accordance with Objective 33.4 and Policies 13.3.9, 33.4.1 and 33.4.2¹.

3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 13. No Private Recreational Facilities may occur within the DR/GR land use category without a rezoning to an appropriate Planned Development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 13.

(Ord. No. 91-19, 94-30, 99-16, 02-02,10-20, 12-24, 15-13, 18-18, 19-13, 20-06)

GOAL 13: PRIVATE RECREATIONAL FACILITIES IN THE DR/GR. To ensure that the development of Private Recreational Facilities in the DR/GR is compatible with the intent of this future land use category, including recharge to aquifers, development of future wellfields and the reduction of density. (Ord. No. 99-16, 18-18)

OBJECTIVE 13.1: To ensure that Private Recreation Facilities are located in the most appropriate areas within the DR/GR future land use category. (Ord. No. 99-16, 18-18)

¹ CPA2024-00002 – Pending Bonita Beach Road CPD Text Amendment.

POLICY 13.1.1: The Private Recreation Facilities Overlay, Map 1-F, shows those locations that are appropriate for the development of Private Recreation Facilities in the DR/GR future land use category. The areas depicted on Map 1-F are consistent with the application of the following locational criteria:

1. Located outside of those areas designated for public acquisition through Florida Forever, the Corkscrew Regional Ecosystem Water Trust (CREW), the SFWMD's Save Our Rivers Program, and the County's 20/20 Conservation Program;
2. Located in areas characterized as predominantly impacted with agricultural, mining or other permitted uses;
3. Located outside of areas depicted as 100 Year Flood Plains, as illustrated on Map 5-B as amended through June of 1990;
4. Located to minimize impact on "Hot Spots of Biological Resources and Rare Species Occurrence Records," from the Florida Game and Freshwater Fish Commission's, "Closing the Gaps in Florida Wildlife Habitat Conservation System" published in 1994;
5. Located in areas characterized by large lot single or limited ownership patterns; and,
6. Located in areas with direct access to existing roadways.
(Ord. No. 99-16, 18-18, 21-09)

POLICY 13.1.2: Private Recreational Facilities within the DR/GR land use category will only be allowed, subject to the other requirements of this Goal, in the areas depicted on the Private Recreational Facilities Overlay, Map 1-F, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18)

POLICY 13.1.3: Private Recreational Facilities are also allowed within the DR/GR land use category in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. limited to golf courses and ancillary uses.

OBJECTIVE 13.2: GROWTH MANAGEMENT. Development of Private Recreation Facilities in the DR/GR must be consistent with the growth management principles and practices as provided in the following policies. (Ord. No. 99-16, 18-18)

POLICY 13.2.1: PRIVATE RECREATION FACILITY PLANNED DEVELOPMENT (PRFPD). All Private Recreational Facilities proposed within the DR/GR future land use category must be reviewed as a PRFPD, except for golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. (Ord. No. 99-16, 18-18, 21-09)

POLICY 13.2.2: Approved PRFPDs will automatically expire, reverting to the original zoning category, if a Lee County development order is not obtained within five years of zoning approval. (Ord. No. 99-16, 18-18)

POLICY 13.2.3: RESIDENTIAL USES PRECLUDED. Residential uses, other than a single bonafide caretaker's residence or a resident manager's unit, or those uses as listed in Policy 13.2.6 are not permitted in conjunction with a PRFPD. Residential density associated with land zoned as

PRFPD will be extinguished and cannot be transferred, clustered or otherwise assigned to any property. (Ord. No. 99-16, 10-21, 18-18)

POLICY 13.2.4: Further, the approval of Private Recreational Facilities on any property within the DR/GR will not be considered as justification for approving an amendment to the Future Land Use Map series which would increase residential density in the DR/GR areas. (Ord. No. 99-16, 18-18)

POLICY 13.2.5: The boundaries of the PRFPD may not be designed to allow out parcels or enclaves of residential units to be integrated into the golf course perimeter, except as allowed in Policy 13.2.6. (Ord. No. 99-16, 10-21, 18-18)

POLICY 13.2.6: Time share, fractional ownership units, and Bed and Breakfast establishments may be permitted if the property is designated as a Rural Golf Course Community (see Map 2-D). These uses must be ancillary to or in conjunction with uses within the Private Recreational Facility, including a Golf Training Center or similar facility, and must be located adjacent to, or within 1,000 feet of, the principal use that is being supported. Through the PRFPD process, the applicant must demonstrate that external vehicular trips will be reduced from typical single-family residential units due to the ancillary nature of the use. (Ord. No. 10-43, 18-18, 21-09)

POLICY 13.2.7: Time share, fractional ownership units, or bed and breakfast establishments may only be constructed through transferring density in accordance with the Southeast Lee County TDR Program. Each TDR credit that is eligible to be transferred to a Mixed-Use Community (see Map 2-D) can be redeemed for one timeshare unit, one fractional ownership unit, or two bed and breakfast bedrooms. (Ord. No. 10-43, 17-13, 18-18, 21-09)

POLICY 13.2.8: Private Recreational Facilities must have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no adverse effects such as dust, noise, lighting, or odor on surrounding land uses and natural resources. (Ord. No. 99-16, 10-43, 18-18)

POLICY 13.2.9: COMMERCIAL USES. Commercial uses may be permitted within PRFPDs as provided in Policy 13.3.9 when ancillary or in conjunction with Private Recreation Facilities. (Ord. No. 99-16, 10-43, 18-18, 19-25)

POLICY 13.2.10: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and will not negatively affect, any adjacent, existing agricultural, mining or conservation activities. (Ord. No. 99-16, 10-43, 18-18)

POLICY 13.2.11: Applications for Private Recreational Facility development will be reviewed and evaluated as to their impacts on, and must be compatible with any adjacent publicly owned lands. (Ord. No. 99-16, 10-43, 18-18)

OBJECTIVE 13.3: GENERAL DEVELOPMENT REGULATIONS. The protection of water quality, quantity, natural resources, and compatibility will be addressed by additional development controls that regulate the permitted uses, parcel size, density, intensity and design of Private Recreational Facilities. (Ord. No. 99-16, 18-18)

POLICY 13.3.1: Private Recreational Facilities will submit a Master Concept Plan at the time of planned development submittal that identifies the general location of proposed uses and structures, play fields and golf course routings. Minor adjustments to this Master Concept Plan may be made administratively at the discretion of the Director. (Ord. No. 99-16, 18-18)

POLICY 13.3.2: Applications for Private Recreational Facilities must include an environmental assessment during the zoning approval process. The assessment must include, at a minimum, an analysis of the environment, historical and natural resources and a protected species survey as required by LDC, Chapter 10. (Ord. No. 99-16, 18-18)

POLICY 13.3.3: In addition to an environmental assessment, the applicant must demonstrate compatibility with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal. (Ord. No. 99-16, 18-18)

POLICY 13.3.4: The development will incorporate an Integrated Pest Management program for any managed recreational areas. (Ord. No. 99-16, 18-18)

POLICY 13.3.5: Where buildings or impervious development is located within twenty-five feet of the property boundary, a buffer 15 feet wide, with 5 trees per 100 linear feet, and a solid double row hedge must be provided, unless a more restrictive buffer is required during the planned development review. (Ord. No. 99-16, 18-18)

POLICY 13.3.6: No illumination may be used which creates glare on adjacent properties. All exterior lighting will be designed with downward deflectors to eliminate skyward glare. Parking areas, walkways and paths and maintenance areas may be illuminated for security purposes, provided that light poles do not exceed twelve feet in height. (Ord. No. 99-16, 18-18)

POLICY 13.3.7: Native and xeriscape vegetation will be encouraged, such that:

1. 100% of all required trees and 75% of all additional trees must be native.
 2. 80% of all required shrubs and 50% of all additional shrubs must be native.
 3. A minimum of 70% of all trees and shrubs must be xeriscape varieties.
 4. The native and xeriscape requirements do not apply to turf areas.
 5. No plant species included in the Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species, will be planted.
- (Ord. No. 99-16, 18-18)

POLICY 13.3.8: The following site requirements, regulating lot size, setbacks and open space must be equaled or exceeded:

1. Principal uses, other than golf courses, and the ancillary uses listed in Policy 13.2.6, permitted under this subdivision must have a minimum lot size of ten acres.
2. Building Setbacks.
 - a. 50 feet from an existing right-of-way line or easement.
 - b. 75 feet from any private property line under separate ownership and used for residential dwellings.
 - c. 50 feet from any adjacent agricultural or mining operation.
 - d. Greater setbacks may be required during the public hearing process to address unique site conditions.
3. Setbacks for accessory buildings or structures. All setbacks for accessory buildings or

structures must be shown on the Master Concept Plan required as part of the planned development application. No maintenance area or outdoor storage area, irrigation pump or delivery area may be located less than 500 feet from any existing or future residential use, as measured from the edge of the above-listed area to the property line of the residential use. For purposes of this policy, any property that is 10 acres or less in size and is zoned to permit dwelling units will be considered a future residential property. Properties larger than 10 acres may be considered future residential based on the property's size, the ownership pattern of properties in the surrounding area, and the use, zoning and size of surrounding properties. To allow flexibility, the general area of any accessory buildings, structures and maintenance areas must be shown on the site plan with the appropriate setbacks as noted in this subsection listed as criteria for the final placement of these buildings, structures or facilities.

- a. In addition to the other standards outlined in this policy, any maintenance area or outdoor storage area, irrigation pump or delivery area must meet one of the following standards:
 - a. be located 500 feet or more from any property line abutting an existing or planned public right-of-way; or
 - b. provide visual screening around such facilities, that provides complete opacity, so that the facilities are not visible from any public right-of-way; or
 - c. be located within a structure that meets or exceeds the current Lee County architectural standards for commercial structures.

- 4. Open Space. A minimum of 85% open space must be provided. However, natural and man-made bodies of water may contribute 100% to achieving the minimum requirements. To the extent possible, pervious paving and parking areas, and buildings elevated above ground level will exceed the 85% open space requirement.

- 5. Security. All entrances to Private Recreational Facilities must be restricted from public access during non-use hours.
(Ord. No. 99-16, 02-04, 10-21, 18-18)

POLICY 13.3.9: DENSITY/INTENSITY LIMITATIONS. Uses in a PRFPD are subject to the following limitations:

Clubhouse/ Administrative Area	20,000 SF/18 hole golf course
Golf Course Restrooms	Not to exceed two structures per 18 hole golf course, limited to 150 SF per structure
Maintenance Area	Not to exceed 25,000 SF of enclosed or semi-enclosed building area, on a maximum of 5 acres of land per 18 hole golf course
Fractional Ownership/ Time-share Units	<ul style="list-style-type: none"> • The maximum allowable units will be calculated based on 1 du/10 acres for the entire area of the PRFPD • All timeshare/fractional ownership units must be transferred in accordance with Goal 33
Bed and Breakfast Establishment	<ul style="list-style-type: none"> • The maximum number of Bed and Breakfast establishments will be limited to 1 per every 18 holes of golf • Bedrooms within a Bed and Breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom
Horse Stable	40,000 SF of stable building/10 acres
Camping Restrooms	<ul style="list-style-type: none"> • 1 toilet per four camp units, clustered in structures not to exceed 500 SF per structure • 1 shower per 4 toilets
Camping Area Office	1,000 SF per campground
Commercial Uses	<ul style="list-style-type: none"> • Limited to neighborhood commercial development with uses that are in compliance with the Wellfield Protection Ordinance without any

	exemptions ⁶ <ul style="list-style-type: none"> Total commercial gross floor area for the entire area of the PRFPD may not exceed 100,000 SF, not including clubhouse square footage
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(Ord. No. 99-16, 02-02, 10-21, 18-18, 19-25)

⁶ No uses that would require the storage of any toxic, hazardous substances as identified in the Wellfield Protection Ordinance or sanitary hazards may be permitted.

POLICY 13.3.10: General development standards for golf courses and ancillary uses within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. will follow the development standards established for this MPD zoning district and are exempt from Policies 13.3.1 through 13.3.9.

OBJECTIVE 13.4: WATER QUALITY, QUANTITY, AND SURFACE WATER RESOURCES.

Private Recreational Facilities must be located, designed and operated in such a way that they will not degrade the ambient surface or groundwater quality. These facilities must be located, designed and operated in such a way that they will not adversely impact the County's existing and future water supply. The location, design and operation of Private Recreational Facilities must maintain or improve the storage and distribution of surface water resources. (Ord. No. 99-16, 18-18)

POLICY 13.4.1: All applications and documentation for the PRFPD rezoning process must be submitted to the Lee County Department of Natural Resources for their formal review and comment. The Department of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the PRFPD. Applicant modeling efforts must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department. Issues of well locations, easements and wastewater reuse must be evaluated and approved by the Lee County Department of Natural Resources and the Lee County Utilities Department during the PRFPD process. Formal agreements addressing these issues will be entered into prior to the issuance of a development order. Co-location of recreational and public facilities is encouraged. (Ord. No. 99-16, 03-04, 18-18)

POLICY 13.4.2: Applications for Private Recreational Facilities in or near existing and proposed wellfields must be designed to minimize the possibility of contamination of the groundwater during construction and operation. (Ord. No. 99-16, 18-18)

POLICY 13.4.3: Private Recreational Facilities must provide a monitoring program to measure impacts to surface and groundwater quality and quantity (see Objective 13.7). (Ord. No. 99-16, 18-18)

POLICY 13.4.4: As part of a rezoning request for a Private Recreational Facility in the DR/GR area, a pre-development groundwater and surface water analysis must be conducted and submitted to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals which are anticipated to be associated with the project. Prior to the applicant commencing this baseline study, the methodology of the study must be submitted for review, comment, and approval by the County. (Ord. No. 99-16, 18-18)

POLICY 13.4.5: Any Private Recreational Facility located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Department of Natural Resources and the Lee County Utilities Department. (Ord. No. 99-16, 03-04, 18-18)

POLICY 13.4.6: The surface water management system design must incorporate natural flow-way corridors, cypress heads, natural lakes, and restore impacted natural flow-way corridors.

1. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems. Included within these systems must be an average 50 foot wide vegetative setback measured from the edge of managed turf to the wetland jurisdictional wetland line or top of bank of natural water bodies.
2. The development must maintain the function and integrity of local and regional flow-ways. Flow-ways are precluded from being primary surface water treatment areas. Applications for Private Recreational Facilities must demonstrate adequate hydraulic capacity without increasing flood levels. Private Recreational Facilities must participate in the implementation of the Lee County Surface Water Management Plan as well as the SFWMD's South Lee County Watershed Plan.
3. The Historic Flow-way Aerial Map depicts the general flow-way paths that exist in the DR/GR area. The lines shown on this map are not regulatory but show the general boundaries of the main conveyances. During the rezoning process, conceptual surface water management plans must be submitted and approved. Prior to the issuance of a development order, proposed Private Recreation Facilities will provide detailed hydrologic and hydraulic analysis demonstrating the limits of flow for various storm events and the developed sites ability to convey these flows. Where an existing flow-way is not well defined or discontinuous, flexibility will be given to allow different alignments within a site.

(Ord. No. 99-16, 18-18)

POLICY 13.4.7: Any Private Recreational Facility proposed within the DR/GR future land use category must cooperate with Lee County and the SFWMD in implementing an overall surface water management plan as outlined in Objective 60.2 and 126.1. Compliance with these policies must be demonstrated during development order approval. (Ord. No. 99-16, 18-18, 21-09)

POLICY 13.4.8: If a proposed Private Recreation Facilities falls within an area identified as an anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Ord. No. 99-16, 18-18)

POLICY 13.4.9: The protection of water quality, quantity, and surface water resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring Program within the Enhanced Lake Management Plan and the and Hydrological Restoration Plan, and are exempt from Policies 13.4.1 through 13.4.8.

OBJECTIVE 13.5: WILDLIFE. The location, design and operation of Private Recreational Facilities will incorporate preservation and/or management activities that restrict the unnecessary loss of wildlife habitat or impact on protected species, species of special concern, threatened or endangered species. (Ord. No. 99-16, 18-18)

POLICY 13.5.1: The development will not have an adverse impact on any existing, viable on-site occupied wildlife habitat for protected species, species of special concern, threatened or

endangered species. (Ord. No. 99-16, 18-18)

POLICY 13.5.2: All proposed fencing must be designed to permit wide-ranging animals to traverse the site. (Ord. No. 99-16, 18-18)

POLICY 13.5.3: Through the development review process, Private Recreation Facilities will be designed and operated to conserve critical habitat of protected species. This will be accomplished through regulation, incentives and public acquisition. (Ord. No. 99-16, 18-18)

POLICY 13.5.4: The protection of wildlife within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Protected Species Management and Human-Wildlife Coexistence Plan, and are exempt from Policies 13.5.1 through 13.5.3.

OBJECTIVE 13.6: NATURAL RESOURCES. Private Recreational Facilities must be located, designed and operated to minimize environmental impacts, and where appropriate, protect, enhance and manage natural resources such as flow-ways, waterways, wetlands, natural water bodies, and indigenous uplands. (Ord. No. 99-16, 18-18)

POLICY 13.6.1: All retained onsite natural areas, must be perpetually managed by the owner(s), or their assignees, with accepted Best Management Practices. The type of management techniques will be determined by the specific plant community. A natural area land management plan must be submitted to the Lee County Department of Community Development prior to the approval of a final local development order. Management techniques addressed in the plan must include, but not be limited to the following: exotic pest plant control; removal of any trash and debris; restoration of appropriate hydrology; prescribed fire; native plant restoration, where appropriate; discussion of flora and fauna; enhancement of wildlife habitat; and, retention of dead trees and snags. (Ord. No. 99-16, 18-18)

POLICY 13.6.2: The development will minimize adverse effects on wetlands and riparian areas, and will result in no net reduction in functional wetland acreage as identified by the SFWMD Wetland Rapid Assessment Procedure (WRAP). (Ord. No. 99-16, 18-18)

POLICY 13.6.3: Private Recreational Facilities must be designed to preserve a minimum of 50% of on-site, indigenous native upland habitat. (Ord. No. 99-16, 18-18)

POLICY 13.6.4: The development will incorporate energy and resource conservation devices, such as low flow water fixtures, and natural skylights. (Ord. No. 99-16, 18-18)

POLICY 13.6.5: The protection of natural resources within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including The Indigenous Preservation, Restoration, and Management Plan and Hydrological Restoration Plan, and are exempt from Policies 13.6.1 through 13.6.4.

OBJECTIVE 13.7: MONITORING AND ENFORCEMENT. In order to ensure that Private Recreational Facilities do not degrade the ambient condition of water quality, water quantity, vegetation and wildlife, an ongoing monitoring program must be established by the developer. (Ord. No. 99-16, 18-18)

POLICY 13.7.1: Annual surface water and groundwater monitoring must continue in perpetuity. The monitoring requirements will be established utilizing those nutrients and chemicals that are anticipated to be associated with the proposed project that were identified by the pre-development groundwater and surface water analysis required by Policy 13.4.4. This surface and groundwater monitoring is to be conducted, at a minimum, on a quarterly basis by a qualified third party. This monitoring data must be submitted to the County as soon as it is available. A summary report of this monitoring effort must be provided annually to Lee County Department of Natural Resources for their review. (Ord. No. 99-16, 18-18)

POLICY 13.7.2: If surface and/or groundwater monitoring shows degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found to be acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance. (Ord. No. 99-16, 18-18)

POLICY 13.7.3: The approved Private Recreational Facility must submit an annual monitoring report for a period of five years, addressing the interaction between the use and environment. This report must provide a discussion and documentation on the following activities:

1. Construction Monitoring - the applicant will submit annual reports detailing construction activities, permitting, compliance with Audubon International Signature Standards and percent complete.
2. Land Management Activities - including those used on the golf course, as well as natural and preserve areas
3. Wildlife Monitoring - the applicant will provide a discussion of wildlife, wildlife activity, and wildlife management activities.
4. Irrigation Monitoring - the applicant will provide a summary of the monthly irrigation withdrawal and irrigation sources.
5. Mitigation/Vegetation Monitoring - the applicant will provide status reports on the viability of any mitigation and/or landscaping conducted on site.
6. Integrated Pest Management Monitoring - the applicant will provide a discussion on the pest management techniques, and any pest problems that have occurred on the project.

Should adverse impacts in any of the above areas be identified, enforcement and mitigation be provided through the appropriate regulatory agency and enforcement procedures. These procedures will be spelled out during the development order process. If, after five years, no significant adverse impacts are determined, the reporting on these subjects may be terminated. (Ord. No. 99-16, 18- 18)

POLICY 13.7.4: The monitoring program within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. was found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district, including the Surface Water Quality Monitoring

Program within the Enhanced Lake Management Plan, and are exempt from Policies 13.7.1 through 13.7.3.

OBJECTIVE 13.8: GOLF COURSE PERFORMANCE STANDARDS. The location, design and operation of golf courses located within the Private Recreational Facilities Overlay will minimize their impacts on natural resources, and incorporate Best Management Practices. A maximum of five 18-hole golf courses, for a total of 90 golf holes, will be permitted. (Ord. No. 99-16, 10-21, 18-18, 21-09)

POLICY 13.8.1: Natural waterways located on the site of a proposed golf course must be left in a natural, unaltered condition. Channelization will not be performed. (Ord. No. 99-16, 18-18)

POLICY 13.8.2: An applicant must demonstrate, prior to the issuance of a local development order, that a golf course is designed to minimize adverse effects to waters and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc. The facility must have an adequate water quality management plan, such as a stormwater management facility constructed in uplands to ensure that the recreational facility results in no substantial adverse effect to water quality. (Ord. No. 99-16, 18-18)

POLICY 13.8.3: If a waterway crossing is necessary, then it must be designed to minimize the removal of trees and other shading vegetation. Any crossings of existing natural flow-ways and water bodies must be bridged. Created or restored flow-ways and water bodies may be crossed by bridges or culverts or a combination as approved by Lee County and SFWMD. (Ord. No. 99-16, 18-18)

POLICY 13.8.4: Waterway crossings by cart paths will be constructed of permeable material, no wider than 8-feet, and placed on pilings from edge of floodplain to edge of floodplain. (Ord. No. 99-16, 18-18)

POLICY 13.8.5: A new lake or pond should not be located within an existing natural waterway. Upland ponds must not expose stream channels to an increase in either the rate or duration of floodwater, unless required by SFWMD for regional water management objectives. (Ord. No. 99-16, 18-18)

POLICY 13.8.6: For golf course developments, all fairways, greens, and tees must be elevated above the 25 year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system. (Ord. No. 99-16, 18-18)

POLICY 13.8.7: Where a golf course is proposed, it must comply with the Best Management Practices for Golf Course Maintenance Departments, prepared by the Florida Department of Environmental Protection, May 1995. (Ord. No. 99-16, 18-18)

POLICY 13.8.8: The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon International Signature Program for Golf Courses. The management practices include:

1. The use of slow release fertilizers and/or carefully managed fertilizer applications.
2. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful

and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad-spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on site specific soil conditions. Application of pesticides within 100 feet of any CREW, or other adjacent public preserve lands, is prohibited.

3. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions.
(Ord. No. 99-16, 18-18)

POLICY 13.8.9: Irrigation systems must utilize computerized irrigation based on weather station information, moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control, to ensure water conservation. For Private Recreation Facilities located outside of the depicted Wellfield Protection zones, reuse water, where available, will be utilized for irrigation. Reuse water within Wellfield Protection zones must be in compliance with the Wellfield Protection Ordinance. (Ord. No. 99-16, 18-18)

POLICY 13.8.10: Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. (Ord. No. 99-16, 18-18)

POLICY 13.8.11: It is the landowner(s) responsibility to notify the County within 10 working days if the status of certification from Audubon changes from being in full compliance. Failure to do so could result in penalties up to and including revocation of golf course use if it is deemed that the violation(s) are a possible threat to the environment. If the golf course loses its certification from Audubon, then the property owner must submit a plan of action acceptable to the County that will achieve re-certification in the shortest possible time. The plan must be submitted within 30 days after receipt of written notice from the County. If the plan is not submitted as required, then all activity on the property must cease until a plan is submitted and approved. An approved plan must be implemented in good faith by the property owner. If the County determines that the plan is not being implemented properly, then all activity on the property must cease until the property owner comes back into full compliance. (Ord. No. 99-16, 18-18)

POLICY 13.8.12: GOLF SITE REQUIREMENTS.

1. The minimum number of golf holes is 18. The minimum size for an 18 hole golf course is 150 acres. In no instance may the golf course impacts exceed 150 acres per 18 holes. Allowable uses within the impact area are greens, tees, fairways, clubhouses, maintenance facilities, cart and pedestrian pathways, parking areas, i.e. all associated support uses.
2. 200 acres of indigenous vegetation preserve is required for every 18 holes. The indigenous vegetation preserve requirement may be provided on-site or off-site. On-site preserves must be a minimum of 1-acre in size; minimum 75-foot wide with an average 100-foot width. Indigenous vegetation preserved on site may utilize a two to one (2:1) credit on a sliding scale based on minimum acreage and width criteria to be included in the LDC. However, the indigenous vegetation preserve requirement must be met with a minimum of 100 actual indigenous acres onsite. Indigenous vegetation preservation requirements must be met outside of the 150 acre golf course impact area.

3. All off-site indigenous vegetation preserves must be located within the DR/GR areas. Unless located within or adjacent to existing or designated public acquisition areas, the minimum parcel size is 50 indigenous acres.
4. The off-site indigenous vegetation preserves must include a management plan that is approved as part of the planned development rezoning. This management plan must include invasive exotic vegetation removal with perpetual management. This does not preclude the transfer of the property to a public entity as long as perpetual maintenance is guaranteed.
5. Additional golf development must be in increments of 9 golf holes. For every additional 9 golf holes, the site area must be increased by 75 acres. Additional golf course impacts are limited to 75 acres per nine holes. The on-site or off-site indigenous preserve area must be increased by 100 acres for each nine holes and is subject to the restrictions above.

(Ord. No. 99-16, 02-02, 18-18)

POLICY 13.8.13: Performance standards within the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S. were found to protect the public interest. Golf courses and ancillary uses are subject to the conditions of this MPD zoning district and are exempt from Objective 13.8 and Policies 13.8.1 through 13.8.12.



Amenity Improvement Amendment

Analysis of Impacts from Proposed Changes

Exhibit T5

Traffic Circulation Analysis

The requested text amendments will not result in any increased intensity or density; therefore, it will not result in any impacts to the analyzed traffic for the existing approved MPD. The request will have no effect on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) or the Capital Improvements Element (5-year horizon). The request will allow the option to include golf courses and ancillary uses as part of the amenities internal to the MPD for use by its residents.

Sanitary Sewer

The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future sanitary sewer impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.C and Exhibit K ensure that sanitary sewer is provided to the MPD.

The Level-of-Service (LOS) standards for Sanitary Sewer, pursuant to Lee Plan Policy 95.1.3.2, is 200 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 160 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

Potable Water

The proposed amendment will not result in any increased intensity or density; therefore, it will not result in any changes to the existing and future potable water impacts previously reviewed. The MPD approval condition 16 requires connection to central water and sewer. The approved Agreement Pursuant to Stipulation of Settlement Agreement Condition 6.B and Exhibit P ensure that potable water is provided to the MPD.

The LOS standards for Potable Water, pursuant to Lee Plan Policy 95.1.3.1, is 250 gallons per day per ERC [Equivalent Residential Connection], except that facilities serving only multi-family residential structures must have a capacity of 200 gallons per day. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

Surface Water/Drainage Basins

The proposed amendment will not result in any changes to the existing and future surface water or drainage basin impacts.

The LOS standards for Stormwater Management Facilities, pursuant to Lee Plan Policy 95.1.3.4, are: (a) prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-

year, 3-day storm event (rainfall) for more than 24 hours, (b) maintain adequate public infrastructure so that all new private and public structures which are constructed a minimum of one foot above the 100-year, 3-day storm event flood plain level will be safe from flooding from a 100-year, 3-day storm event (rainfall), (c) Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in state rules including but not limited to requirements listed in the Numeric Nutrient Criteria, Total Maximum Daily Load Program and Basin Management Action Plan. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest, (d) design trunk conveyance crossings of arterial roads to be free of flooding from 25-year, 3-day storm event, (e) Design major collectors and arterial roadways to have no more than 6 inches of water for a 25-year, 3-day storm event.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that all projects that receive approval from the SFWMD and comply with standards in Florida Administrative Code Chapters 62-330 and 40E-40, and Florida Statutes Chapter 373 are deemed concurrent with the surface water management LOS standards set forth in The Lee Plan. The MPD has received South Florida Water Management District (SFWMD) Environment Resource Permit (ERP) approvals and is therefore meets the surface water management LOS standards.

Parks, Recreation and Open Space

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future parks and recreation impacts previously reviewed. The proposed amendment will result in potential additional recreation and open space areas in the form of internal golf courses and ancillary uses internal to the MPD for use by its residents.

The non-regulatory LOS standards for Parks and Recreation Facilities, pursuant to Lee Plan Policy 95.1.3.6, are 6 acres of developed regional park land open for public use per 1000 total seasonal County population for all of Lee County and 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population.

The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity is 8 acres of developed regional park land open for public use per 1,000 total seasonal county population for all of Lee County and 1.9 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population. The available capacity exceeds the adopted non-regulatory LOS standard.

Public Schools

The proposed amendment will not result in any increased density; therefore, it will not result in any changes to the existing and future public school impacts.

The LOS standards for Public Schools, pursuant to Lee Plan Policy 95.1.3.5, is 100% of Permanent Florida Inventory School Houses (FISH) Capacity for Elementary, Middle and High schools and Special Purpose Facilities. The Public Facilities Level of Service and Concurrency Report 2024 Inventory and Projections states that available capacity meets the adopted LOS standard in all zones and that there is a surplus of 2,740 Elementary school seats, 1,200 Middle school seats, 20 High school seats and 748 Special Purpose school seats.



Amenity Improvement Amendment

Environmental Impacts Analysis

Exhibit T7

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments do not require any updates to the existing environmental reports.

The MPD provides for significant environmental enhancements and includes a condition to provide a minimum of 3,287 acres of created, restored, and/or enhanced areas to be dedicated in conservation and flow-way easements which was found to protect the public interest. Below is a list of the MPD's environmental conditions of approval and Exhibits/reports that will remain applicable.

Condition 1.c.: The Land Use Summary table on the MCP reflects a minimum of 3,287 acres of created, restored, and/or enhanced areas that will be dedicated in a combination of Conservation Easements and Flowway easements and provides a minimum of 50% of the Project's gross land area less tracts to be dedicated to the County. These areas are located and identified on the MCP.

Construction phasing of the development will be subject to the following conditions:

- i. Restoration and dedication of conservation and flowway areas shall occur as development orders are issued as depicted on Exhibit "G".
- ii. Development Pods are not required to be developed sequentially according to the numbers depicted on the Development Summary table on the MCP.
- iii. Phasing of the restoration as depicted on the MCP may be adjusted at time of Development Order submittals provided minimum restoration acreages are maintained to support the project:
 - a. For residential, a minimum restoration acreage based on the GREATER of the following options:
 - i. The cumulative development pod area (including previous phases) OR
 - ii. The number of residential dwelling units in the development pod using the following analysis whereas the Project required restoration equals 3,287 acres divided by the total Project density of 10,000 residential units times the number of units, both previously approved and proposed.
 - b. For commercial or amenity pods, the required acres of restoration shall be equal to the acreage of the pod being developed.
- iv. A cumulative development update statement and summary table must be provided with each development order application and shown on the engineered plans containing the following information:
 - Cumulative residential dwelling units and intensity of non-residential uses;
 - Cumulative development pods (in acres);
 - Cumulative open space (in acres); and
 - Cumulative conservation and flowway areas (in acres).
- v. Restoration areas must be completed within ten (10) years of commencement of restoration of each phase, regardless of the progress of development tied to each phase. If any phased restoration construction is not complete within ten (10) years from that phase restoration start date, work may not commence in future phases until such time as that incomplete restoration phase construction is completed.

3. Wildlife Crossings

Any wildlife crossings required for the project will be determined by the USFWS and FDEP prior to issuance of the first development order creating residential lots. Any animal crossings required by the USFWS or FDEP will be reviewed and permitted in accordance with the approved locations at time of local development order on a phase-by-phase basis and shall be consistent with the Human/Wildlife Coexistence Plan Exhibit "J".

4. Protected Species Management and Human-Wildlife Coexistence Plan

The Protected Species Surveys Exhibit "I" must be updated every five (5) years and Human-Wildlife Coexistence Plan Exhibit "J" must be updated by the Developer, if needed for the presence of new listed species, for approval by the County prior to or concurrent with the first development order application creating residential lots. The Plan and development order plans must address the following:

- Trails: The location of proposed passive trails within the restoration areas must include designated trailheads with signs with information on possible wildlife encounters and appropriate actions when encountering wildlife.
- Signs: Development order plans that include surface water management lakes or conservation areas must depict the location and typical signs for prohibiting the feeding of alligators around the lake and preservation signs that state no dumping. Distance between signs should be approximately 300ft.
- Wildlife Fencing: Must meet recommendations and requirements of the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS); and
- The Development Order plans must be updated to reflect FWC and FWS requirements if permits are issued after approval of the first development order creating residential lots.
- Vegetation Removal permit applications must include a map depicting the work limit area and a species survey for the work limit area. The developer must submit a management plan for protected species within the work limit area identifying protection measures, monitoring, and/or relocation consistent with State and Federal requirements.
- Development Order plans for vertical development that includes commercial and amenity uses and areas must demonstrate use of bear resistant dumpsters and below ground grease traps.

5. Conservation and Flowway Easements

The conservation and flowway easements will be dedicated to a maintenance entity that provides third party enforcement rights to the County or other public agency acceptable to the County. The easements will be dedicated in general accordance with the phasing plan attached as Exhibit "G" to the Agreement and will be reflected on the phased recorded plats approved by the County for the subject property. Restoration areas located within a Conservation Easement consisting of existing or mitigated wetlands can include exotic vegetation removal and native planting. Restoration areas located within a Flowway Easement can include vegetation removal, grading, lakes, drainage ways, wet and dry detention, surface water treatment, and water storage, water bodies and on/off site wildlife mitigation. The Easements will permit passive trails, kiosks, and pavilions. The combined acreages within the Conservation Easements and Flowway easements shall satisfy the minimum required restoration acreage for the Project.

6. Indigenous Management Plans

The Indigenous Preservation, Restoration, and Management Plan Exhibit "L" must be updated by the Developer for approval by the County prior to or concurrent with the first development order application. The Indigenous Preservation, Restoration, and Management Plan must include the following language:

- At the time of purchase, third-party deed holders must be placed on notice through covenants and deed restrictions that project conservation and flowway areas may be managed with prescribed burns.
- Prior to commencing prescribed burn activity, the HOA, CDD, or ISD must notify residents of the prescribed burn activities and provide general prescribed burn management educational materials.

28. Wetlands

No wetlands may be impacted within the commercial pods of the Project.

Exhibits:

G. Restoration Phasing Plan

I. Protective Species Survey

J. Human/Wildlife Coexistence Plan and Protective Species Management Plan

L. Indigenous Preservation, Restoration, and Management Plan



Amenity Improvement Amendment Historical Resources Impacts Analysis T8

The proposed text amendments are to address golf courses and ancillary uses in the Mixed Use Planned Development (MPD) zoning district subject to Settlement Agreement Case No. 22-CA-002743 approved under Sec. 70.001 F.S.

The proposed text amendments are for an MPD that has been reviewed and approved and had established preservation and development areas that were found to protect the public interest.

The attached clearance letter from The Florida Department of State that found the project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value.

The proposed text amendments do not necessitate any further historical resources impact analysis.



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

Robert S. Carr, M.S.
Archaeological and Historical Conservancy, Inc.
4800 SW 64th Avenue, Suite 107
Davie, Florida 33314

September 8, 2022

DHR Project File No.: 2022-4578-C

Received by DHR: August 9, 2022

Phase II Cultural Resource Assessment of the 8LL2474 Site, Kings Ranch, Lee County, Florida

Dear Mr. Carr:

Our office reviewed the referenced project in accordance with Chapters 267.061 and 373.414, Florida Statutes, implementing state regulations, and the State 404 Program Operating Agreement for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places. The project is subject to compliance with requirements for the Department of Environmental Protection permit application 423130-001 SFI, the South Florida Water Management District (SFWMD) permit application 220623-34938 and in fulfillment of Division of Historical Resources (DHR) request no. 2022-4578, sent on July 22, 2022.

In April of 2022, the Archaeological & Historical Conservancy, Inc. (AHC) conducted the above referenced Phase II cultural resource assessment (CRAS) of 8LL2474 on behalf of Camaretta Companies, LLC. A Phase I assessment of the overall project parcel was conducted by AHC in 2007 in the course of which site 8LL2474, a mid-twentieth century logging camp, was identified and determined potentially eligible.

This Phase II assessment entailed additional archival research, a pedestrian survey, a metal detection survey, and the excavation of one test unit in order to determine LL2474's eligibility. The parcels north and south of the former road were intensively logged from the 1940s to 1950s leading to the hypothesis that LL2474 had been a logging camp. However, diagnostic artifacts were scarce in both the Phase I and Phase II assessment. AHC documented 35 field specimens in Phase II. The artifact assemblage consists of primarily household furnishings such as porcelain pottery fragments and standard building materials such as brick and concrete. All materials were found in a disturbed context. None of the findings were diagnostic of the lumber or naval stores industry. Therefore, it is AHC's opinion that site 8LL2847 is not eligible for listing in the National Register due to its inchoate character, lack of determinable historical association, and extent of disturbances to the site.

Based on the information provided, our office concurs with the presented survey results and recommendations and finds that the proposed project will have no effect on historic properties listed, or eligible for listing, in the NRHP, or otherwise of historical, archaeological, or architectural value within the surveyed APE. Further, we find the submitted report complete and sufficient in accordance with Chapter 1A-46, Florida Administrative Code.

Division of Historical Resources
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6300 • 850.245.6436 (Fax) • FLHeritage.com



Mr. Carr
DHR Project File No.: 2022-4578-C
September 8, 2022
Page 2

If you have any questions, please contact Michael DuBose, Historic Preservationist, by email at Michael.DuBose@dos.myflorida.com or telephone at 850.245.6342.

Sincerely,

Handwritten signature in blue ink that reads "Kelly L. Chase" with the word "For" written in smaller letters below the signature.

Alissa Slade Lotane
Director, Division of Historical Resources
& State Historic Preservation Officer

TRAFFIC CIRCULATION ANALYSIS - NOT APPLICABLE



Amenity Improvement Amendment

State Policy Plan & Strategic Regional Policy Plan Analysis

T9 & T10

STATE COMPREHENSIVE PLAN CONSISTENCY

The Community Planning Act of 2011 (HB7207) removed the requirement to address consistency with the local comprehensive plan and state comprehensive plan, however, the proposed amendment is consistent with the State Comprehensive Land Use Plan's intent to ensure the protection of natural resources. Specifically, the amendment is consistent with the following guiding policies:

187.201(7) WATER RESOURCES

- (a) *Goal.—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.*
- (b) *Policies.- 2. Identify and protect the functions of water recharge areas and provide incentives for their conservation. & 10. Protect surface and groundwater quality and quantity in the state.*

The proposed text amendments provide clarification that the MPD has been reviewed and conditioned to protect surface and ground water quality as well as maintaining or improving the storage and distribution of surface water resources. The MPD conditions ensure restoration and protection of natural resources and included a projected reduction in existing permitted water withdrawal from the aquifer and a reduction in total nitrogen and total phosphorous. MPD Condition 14 and Exhibit N provide for Surface Water Monitoring and the Enhanced Lake Management Plan. MPD Condition 18 and Exhibit O provide for re-established historic surface water flows through the Property and a Hydrological Restoration Plan. MPD Condition 25 provides for an off-site hydraulic connection to help alleviate flooding of the Wildcat Run properties to the east.

REGIONAL POLICY PLAN CONSISTENCY

The proposed amendment is consistent with the Southwest Florida Regional Policy Plan (SWFRPP) as follows:

Water Resources

Goal 3: Water Management Districts and local governments must have programs based on scientific modeling to protect surface water, potable water wells, wellfields and contributing areas from contamination.

The MPD condition 18.b. provides that the Hydrological Restoration Plan be submitted with the first Development Order and that it must be based on an integrated surface and groundwater model. The proposed text amendments provide the specific requirements for golf courses and ancillary uses within the MPD which already established development parameters and conditions of approval that were found consistent with the intent of the DR/GR and the Lee Plan's overall objective to restore and maintain natural resources essential to protecting groundwater supplies, water quality, and flooding. The MPD has been found consistent with the intent of the Environmental Enhancement and

Preservation Communities overlay (EPCO) standards by Lee County staff, Lee County Hearing Examiner, Lee County Board of County Commissioners, and the Court. Any golf courses and ancillary uses will be developed within the established development pods.

CONCLUSIONS

The proposed text amendments are consistent with and generally further the State Comprehensive Plan and Regional Policy Plan. For these reasons, the applicant respectfully submits that the requested text amendments should be approved.